

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

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Certiorari to Allendale County

R. Lawton McIntosh, Circuit Court Judge  
\_\_\_\_\_

**RECEIVED**

**Apr 27 2020**

**SC Court of Appeals**

THE STATE,

RESPONDENT,

V.

GABRIEL JOYNER,

APPELLANT

APPELLATE CASE NO. 2019-000622  
\_\_\_\_\_

MOTION FOR AN EXTENSION OF TIME  
IN WHICH TO FILE THE INITIAL BRIEF OF APPELLANT  
AND DESIGNATION OF MATTER  
\_\_\_\_\_

Counsel for Gabriel Joyner respectfully requests a **final thirty-day extension until May 27, 2020**, in which to file the Initial Brief of Appellant and Designation of Matter in this case. **Counsel will file the Initial Brief of Appellant and Designation of Matter before the deadline if possible.** This motion is made pursuant to the Order of the South Carolina Supreme Court dated March 18, 2009. In support of this request, counsel shows:

1. The initial brief of appellant and designation of matter are due to be filed with the Court today.
2. Counsel for Gabriel Joyner respectfully submits that extraordinary circumstances exist which warrant the granting of an additional extension of time. Given the number of extensions

previously granted and the order in which counsel attempts to manage his caseload, counsel hopes that no further extension requests will be required.

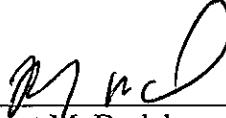
3. Counsel filed the brief of appellant and designation of matter in the case of The State v. Varsheen Antuan Smith with this Court on April 21, 2020. Counsel filed the brief of petitioner in the case of The State v. Ahshaad Mykiel Owens with the Supreme Court on April 13, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Michael Joe Smith with this Court on March 6, 2020. Counsel filed the brief of appellant and designation of matter in the case of The State v. Anthony Briggs with this Court on February 26, 2020. **Counsel is currently lead counsel on two death penalty cases, The State v. Jerome Jenkins, Jr. and The State v. Timothy Ray Jones, Jr. Counsel has extensive administrative duties as the Chief Appellate Defender, including Appellate Project oversight duties. Counsel is currently managing the transition to e-filing, as well as the telecommuting of nearly all personnel. Counsel also has to discuss the cases of four inexperienced Appellate Defenders with them in advance and read all of their filings in advance. Counsel regrets the necessity of this extension request, but it is absolutely necessary under the circumstances.**

4. Counsel makes this request in good faith and not for purpose of delay. Counsel intends to continue to work on the cases with more than three extensions first so that the caseload will hopefully become more manageable in the near future, and less extensions will need to be requested.

5. Counsel for the Attorney General's office, William M. Blicht, Jr., has consented to this request.

WHEREFORE, the undersigned counsel would respectfully request a **final thirty-day extension until May 27, 2020**, in which to file the initial brief of appellant and designation of matter in this case based upon the above exigent circumstances. Counsel requests that time limits for filing the brief be held in abeyance pending a ruling on this motion.

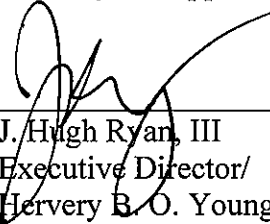
Respectfully submitted,



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Robert M. Dudek  
Chief Appellate Defender

Attorney for Appellant



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J. Hugh Ryan, III  
Executive Director/  
Hervey B. O. Young  
Deputy Director and General Counsel/  
W. Lawrence Brown  
Deputy General Counsel and Training  
Director

This 27<sup>th</sup> day of April, 2020.